

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JEFFREY D. REYNOLDS, on behalf of himself and all  
others similarly situated,

Plaintiff,

-against-

XEROX EDUCATION SERVICES, INC., f/k/a ACS  
EDUCATION SERVICES, INC. and WELLS FARGO  
BANK, N.A.,

Defendants.  
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Case No. 13-cv-1223 (LEK) (TWD)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the previously filed Memorandum of Law in Support of Defendants' Motion to Dismiss, dated June 14, 2013 (Document No. 11); the previously filed Declaration of Robin L. Muir in Support of Defendants' Motion to Dismiss, dated June 14, 2013, and the exhibit thereto (Document No. 12); and all prior pleadings and papers filed in this action, Defendants Xerox Education Services, LLC, sued herein as Xerox Education Services, Inc. f/k/a ACS Education Services, Inc. and Wells Fargo Bank, N.A., by their respective undersigned counsel, will jointly move at the U.S. District Court for the Northern District of New York, the James T. Foley Courthouse thereof, located at 445 Broadway, Albany, New York, 12207, before the Honorable Lawrence E. Kahn, Senior U.S. District Judge, on December 20, 2013 at 9:30 a.m., or as soon thereafter as counsel may be heard, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the unjust enrichment cause of action asserted against them by Plaintiff Jeffrey D. Reynolds and for such other and further relief as the Court deems just and proper.

Dated: New York, New York  
November 15, 2013

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